

Public Services – Panchayat Raj and Rural Development Department – Sri N.Neelachalam, DAO, Vizianagaram (Retd.)- Trapped by the ACB Officials – Prosecution accorded – Acquitted by the Spl. Judge for ACB Cases, Visakhapatnam – Criminal Appeal No.1168/2004 filed by the ACB in A.P. High Court – Criminal Appeal Dismissed – Further action Dropped and Suspension period from 08.05.1994 to 30.11.1997 treated as duty under FR-54 B (3) (4) - Orders –Issued.

G.O.Rt.No. 2118

1. G.O.Ms.No.271, PR&RD&R (Accts.1) Department, Dated:30.04.1994.
2. G.O.Ms.No.547, PR&RD&R (Accts.1) Department, Dated:06.07.1995.
3. G.O.Rt.No.1292, PR&RD (Accts.1) Department, Dated:26.09.1997.
4. Judgment Dated:28.12.1998 in CC No.23/95, From Spl. Judge for ACB Cases, Visakhapatnam.
6. Govt. Memo No.27290/Vig.II/98-16, PR&RD(Vig.II) Department, Dated:31.03.2004.
7. Judgment Dated:11.07.2011 in Crl. Appeal No.1168/2004, Hon'ble High Court of Andhra Pradesh.
8. Representation received from Sri N. Neelachalam, DAO (Retd.), Dated:23.03.2012.

Sri N. Neelachalam, Divisional Accounts Officer (DAO), Cyclone Emergency Reconstruction Project (CERP) Division, Vizianagaram trapped by the Anti Corruption Bureau (ACB) Officials on 29.03.1994 when he demanded and accepted an amount of Rs.1500/- as bribe from the contractor, for showing official favour on pending bill and he was placed under suspension vide reference 1st read above. Sanction was accorded to prosecute Sri N. Neelachalam, Divisional Accounts Officer, Vizianagaram in Court of Law vide reference 2nd read above. After reviewing his case, he was reinstated into service without prejudice to the disciplinary case/ criminal case pending against him vide reference 3rd read above.

2. Sri N. Neelachalam, Divisional Accounts Officer, Vizianagaram was acquitted by the Special Judge for ACB Cases, Visakhapatnam vide reference 4th read above. The Director General, Anti Corruption Bureau has been permitted to file an appeal before the Hon'ble High Court of Andhra Pradesh vide reference 5th read above.

3. In the reference 6th read above, the Hon'ble High Court of Andhra Pradesh has dismissed the Criminal Appeal No.1168/2004 filed by the Director General, Anti Corruption Bureau. While dismissing the Criminal Appeal, the Hon'ble High Court of Andhra Pradesh observed that "in the light of the circumstances, the lower Court rightly came to the conclusion in favour of the accused and found him not guilty of the charges."

4. Sri N. Neelachalam, Divisional Accounts Officer (Retd.) has submitted a representation requesting to issue orders treating the period of suspension undergone by him from 08.05.1994 to 30.11.1997 as the period spent on duty under FR - 54 (B) for all purposes duly allowing all service benefits including all pensionary benefits. He has also requested to sanction the periodical increments fallen due (on 1.01.1995, 01.01.1996, 01.01.1997 and 01.01.1998) during the suspension period and appoint him to special promotion post scale w.e.f. 29.10.1995 in terms of G.O.(P) 290, Finance & Planning (FW.PC.II) Department, Dated: 22.03.1993.

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5. Government, after careful examination of the matter, have decided to drop further action against Sri N. Neelachalam, Divisional Accounts Officer (Retd.), Vizianagaram and to treat the suspension period from 08.05.1994 to 30.11.1997 as duty and accordingly hereby drop further action against Sri N. Neelachalam, Divisional Accounts Officer (Retd.), Vizianagaram and to treat the suspension period of Sri N. Neelachalam, Divisional Accounts Officer (Retd.), from 08.05.1994 to 30.11.1997 as “duty” under FR-54 B (3) and (4).

6. This order issues with the concurrence of Finance (FR.II) Department vide U.O.No.20558/556/FR.II/12, Dated: 07.08.2012.

7. The Executive Engineer, Rural Water Supply & Sanitation, Kovvuru, West Godavari District shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To

- 1.The Engineer-in-Chief, Panchayat Raj, Hyderabad
- 2.The Executive Engineer, Rural Water Supply & Sanitation Division, Kovvuru, West Godavari District, through the Director of Works Accounts, Manorama Buildings, M.J. Road, Nampally, Hyderabad.
- 3.The Director of Works Accounts, Manorama Buildings, M.J. Road, Nampally, Hyderabad to transmit the order to the Executive Engineer, RWS&S Division, Kovvuru, West Godavari District.
- 4) The District Treasury Officer, Eluru, West Godavari District.
- 5) The Sub Treasury Officer, Kovvuru, West Godavari District.
- 6) Sri N. Neelachalam, DAO (Retd.), H.No.16-2-88/3, Thotaveedhi, Gujarathipeta, Srikakulam, Pin:532005.

Copy to:

- 7) The Director General, Anti Corruption Bureau, Hyderabad,
- 8) The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Hyderabad,
- 9) SF/SC.

//FORWARDED BY :: ORDER//

SECTION OFFICER